

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

MARGARET IRACE,

Plaintiff,

v.

Case No. 17-cv-1443-pp

NANCY BERRYHILL,

Defendant.

**ORDER DENYING PLAINTIFF'S MOTION FOR LEAVE TO PROCEED
WITHOUT PREPAYMENT OF THE FILING FEE (DKT. NO.3)**

On October 23, 2017, the plaintiff filed a complaint for review of the partially favorable final decision of the Commissioner of the Social Security Administration. Dkt. No. 1. Along with the complaint, the plaintiff filed a motion for leave to proceed without prepayment of the filing fee. Dkt. No. 3. In order to allow a plaintiff to proceed without paying the filing fee, the court must first decide whether the plaintiff has the ability to pay the filing fee, and if not, must determine whether the lawsuit is frivolous. 28 U.S.C. §§1915(a) and 1915(e)(2)(B)(i).

In her affidavit, the plaintiff reports that she receives Social Security disability benefits of \$800 per month and has expenses of \$795 per month. Dkt. No. 3 at 2-3. The affidavit also says, though, that the plaintiff owns a house worth \$239,000 with equity of \$110,700, and a car worth \$11,500. Id. at 3. Although the plaintiff states that her fiancé bought the house and that she

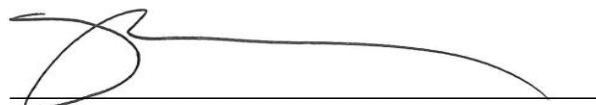
pays him \$500 per month toward mortgage and utilities, she says that her name is “on the title of the house.” Id. In addition, the plaintiff reports savings and checking accounts containing just over \$900. Id.

Based on this information, the court finds that the plaintiff has the ability to pay the \$350 filing fee and \$50 administrative fee, and is ineligible to proceed without prepayment of the filing fee.

The court **ORDERS** that the plaintiff’s motion for leave to proceed without prepayment of the filing fee is **DENIED**. Dkt. No. 3. The court **ORDERS** that the plaintiff must pay the \$350 statutory filing fee and the \$50 administrative fee within **thirty (30) days** of the date of this order—that is, by the end of the day on **December 20, 2017**. If the clerk’s office does not receive the filing fee by that time, the court will dismiss the case without further notice or hearing. If the plaintiff needs additional time to pay the fee, she must—before the December 20, 2017 deadline—file a motion requesting an extension.

Dated in Milwaukee, Wisconsin this 20th day of November, 2017.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
United States District Judge